

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 20004 Permit 13084 License 8682

ORDER AMENDING LICENSE

WHEREAS:

1. License 8682 was issued to the U.S. Bureau of Land Management and recorded at the office of the Mono County Recorder on July 29, 1968.
2. License 4680 confers upon the U.S. Bureau of Land Management an appropriative right to use water from Baxter Spring in Mono County for stockwatering use.
3. License 4680 States that "*This permit is conditioned upon full compliance with Section 5939 of the Fish and Game Code*"; however, Section 5939 plainly refers to maintenance of a fish hatchery constructed pursuant to Section 5938. Section 5938 is not applicable to, nor made a condition of, the License issued for the project described in the Application 20004.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. Amendment of License 8682 to correct a typographical error and conform with the Fish and Game Code is a ministerial action. Therefore, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following License condition,

"THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 5939 OF THE FISH AND GAME CODE"

is deleted and replaced with the following:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: **JUNE 16 1997**


Walt Pettit
Executive Director



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 20004

PERMIT 13084

LICENSE 8682

THIS IS TO CERTIFY, That

UNITED STATES - BUREAU OF LAND MANAGEMENT
800 TRUXTON AVENUE, ROOM 311, BAKERSFIELD, CALIFORNIA 93301

HAS made proof as of SEPTEMBER 22, 1966 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING (BAXTER SPRING) IN MONO COUNTY

tributary to AN UNNAMED STREAM THENCE NORTH CANYON THENCE ADOBE CREEK

for the purpose of STOCKWATERING USE
under Permit 13084 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from FEBRUARY 23, 1961 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed ONE THOUSAND FIVE HUNDRED (1,500) GALLONS PER DAY TO BE DIVERTED FROM
ABOUT JUNE 15 TO ABOUT NOVEMBER 15 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 43° WEST 2,500 FEET FROM SE CORNER OF SECTION 1, T1S, R28E, MDB&M, BEING
WITHIN NW1/4 OF SE1/4 OF SAID SECTION 1.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN NW1/4 OF NW1/4, NW1/4 OF SE1/4 OF SECTION 29, NW1/4 OF NE1/4 OF SECTION 30
AND NW1/4 OF SE1/4 OF SECTION 32, ALL WITHIN T1N, R29E, MDB&M.

THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 5939 OF THE
FISH AND GAME CODE.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUL 19 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

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